

# REGULATORY ASSIGNMENT CONTROL SHEET

LOG CONTROL NUMBER: 38 ANALYST  
ASSIGNED: HYLER

ACTION: AN

TITLE: HIGHER EDUCATION DISASTER RELIEF

RECEIVED: 12/4/2008

DATE ASSIGNED: 12/4/2008

DATE DUE: 12/11/2008

ANALYST SIGNATURE: 

COMPLETION DATE: 12/8/08

FINAL APPROVAL: 

DATE: 12-8-08

OMB NO: 1840-0801 Exp. 5/31/09

REG PART:

**REGULATIONS CLEARANCE SHEET  
OFFICE OF THE GENERAL COUNSEL  
DIVISION OF REGULATORY SERVICES (DRS)**

**DRAFT NO.:** 1

**DATE:** December 4, 2008

**Please review the attached document, check the appropriate box below, sign, and return with your comments, if any, or e-mail your response and any comments to Leslie Young (Rm. 6E244). Your response is due by cob Thursday, December 11, 2008.**

**Office of the Secretary\***

[X] Annora Bryant, Ex. Sec., 7C100  
[X] Alycyn Keeling, 7W223  
cc: Hanna Skandera

**Office of the Under Secretary\***

[X] Archie Cubarrubia, 7E319  
[X] Lindsey Langford

**Office of Planning, Evaluation and Policy Development**

[X] James Woodsome 5E325, Ellen Campbell  
[x] Budget Service (Maria Wade) 5W311

**Office of the General Counsel**

**Acting Deputy General Counsel**

[ ] Dennis Cariello

**Assistant General Counsel**

[X] E. McFadden, 6E217\*  
[x] Harold Jenkins

**Deputy Assistant General Counsel**

[X] Shannan Higgins, 6C135

**Program Attorney**

[x] Brian Siegel

**Office of Legislation and Congressional Affairs**

[ x] Jack McGrath

**Office of Management**

[x] Bruce Monblatt, cc: Naty Beetle  
[x] lcdocketmgr

**Risk Management Service**

[ x] Cynthia Brown

**Chief Financial Officer**

[ x] Khrriss Howard, 4E255

**Faith-based and Community Initiatives**

[ x] Christopher Bayer/David Boucher

**Federal Student Aid**

[x] Jeff Baker

**Office of Postsecondary Education**

[ ] David Bergeron

**Program Contact:** C. Courtney

**CHECK ONE**

<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Approved subject to minor changes <input type="checkbox"/> Not approved—see comments
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**TYPE AND TITLE OF DOCUMENT:** Higher Education Disaster Relief, notice inviting apps. (84.938R)

**SIGNATURE:**

*James Hyl*

**DATE:**

*12/8/08*

**COMMENTS:**

*1840-0801*

4000-01-U

DEPARTMENT OF EDUCATION

Office of Postsecondary Education

Overview Information

Higher Education Disaster Relief

Notice inviting applications for new awards for Fiscal Year  
(FY) 2009.

Catalog of Federal Domestic Assistance (CFDA) Number:

84.938R

Dates:

Applications Available: [INSERT DATE OF PUBLICATION IN THE  
FEDERAL REGISTER].

Deadline for Transmittal of Pre-Applications: [INSERT DATE  
11 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

Deadline for Transmittal of Application: [INSERT 41 DAYS  
AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

Deadline for Intergovernmental Review: This program is  
not subject to Executive Order 12372 and the regulations in  
34 CFR part 79.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The Higher Education Disaster Relief  
Grants Program provides funds to institutions of higher  
education (IHEs) that are located in an area affected by

hurricanes, floods, and other natural disasters occurring during 2008 for which the President declared a major disaster under Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974. The funds may be used to defray the expenses incurred by institutions of higher education that were forced to close, relocate, or whose operations were impaired as a result of damage directly caused by such hurricanes, floods, and other natural disasters occurring during 2008. Funds may be used to cover lost revenue, reimbursement for expenses already incurred, and for construction. Funds may also be used to enable such institutions to provide grants to students who attend such institutions for academic years beginning on or after July 1, 2008.

Supplementary Information: Under the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Pub. L. No. 110-329), only IHEs as defined in Section 101 or Section 102(c) of the HEA that are located in an area in which a major disaster was declared in accordance with Section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act during calendar year 2008, are eligible to apply for funds under this program. A list of these counties is available at:

<http://www.gismaps.fema.gov/2008pages/lcurrent.shtm>

Public Law No. 110-329 authorizes the Department to make these funds available based on criteria established by the Secretary. Accordingly, the Secretary establishes and will consider the following criteria in allocating these funds: expenses that would have been covered by revenues lost by the IHE as a direct result of the major disaster; expenses incurred by the IHE in remedying the effects of the disaster; the costs of construction associated with physical damage caused by the disaster; any amount of any insurance settlement or other reimbursement received including from a Federal or other relief agency; and the number of Pell Grant recipients enrolled at the IHE at any time during the 2006-07 and 2007-08 award years. IHEs must include information responsive to each of these criteria in their pre-applications.

Waiver of Proposed Rulemaking: Under the Administrative Procedure Act (APA) (5 U.S.C. 553), and Section 437 of the General Education Provisions Act (GEPA) (20 U.S.C. 1232), the Department generally offers interested parties the opportunity to comment on proposed program requirements. However, Pub. L. No. 110-329 specifically exempts criteria established by the Secretary for the award of funds under this program from the rulemaking requirements of the APA and GEPA.

Program Authority: 20 U.S.C. . (CITE TO BE DETERMINED BY OGC)

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 82, 84, 85, 86, 97, 98, and 99.

## II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: \$15,000,000.

Estimated Range of Awards: \$10,000 - \$1,000,000.

Estimated Average Size of Awards: \$300,000.

Estimated Number of Awards: 50.

Note: The Department is not bound by any estimates in this notice.

Project Period: IHEs receiving Higher Education Disaster Relief awards must obligate the funds received by September 30, 2009. Funds being used for construction must be expended by September 30, 2011.

## III. Eligibility Information

1. Eligible Applicants: Institutions of higher education (as defined in Section 101 or Section 102(c) of that Act) that are located in an area affected by hurricanes, floods, and other natural disasters occurring during 2008, for which the President declared a major disaster under Title IV of the Robert T. Stafford Disaster Relief and Emergency

Assistance Act of 1974, are eligible to apply for funds under this program. A list of these counties is available at:

<http://www.gismaps.fema.gov/2008pages/lcurrent.shtm>

2. Cost Sharing or Matching: This program does not require cost sharing or matching.

#### IV. Application and Submission Information

1. Address to Request Application Package: Address to Request Application or Pre-Application Package: Cassandra Courtney, Fund for the Improvement of Postsecondary Education, U.S. Department of Education, 1990 K Street, NW., Room 6166, Washington, DC 20006-8544. Telephone: (202) 502-7506 or by e-mail: [HEDR@ed.gov](mailto:HEDR@ed.gov) or [Cassandra.Courtney@ed.gov](mailto:Cassandra.Courtney@ed.gov).

If you use a telecommunications device for the deaf (TDD), call the Federal Relay Service (FRS), toll free, at 1-800-877-8339.

Individuals with disabilities can obtain a copy of the application or pre-application package in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) by contacting the program contact person listed in this section.

## 2. Content and Form of Application Submission:

Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this program.

Pre-Application: IHEs intending to submit an application for Higher Education Disaster Relief must first complete and submit a pre-application data information form from which institutional allotments will be calculated. Data forms and instructions can be downloaded from:

<http://www.ed.gov/OPE> (click on the Higher Education Disaster Relief link). Complete the form and send it to: HEDR@ed.gov by the date established under Pre-Application.

Deadline. Within one week of the Pre-Application Deadline, the Department will calculate the applicant IHE's allotment and e-mail the amount back to the contact person identified on the form. IHEs will then have until [Date] to submit their application and budget through Grants.gov.

Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. You must limit the application narrative [Part III] to the equivalent of no more than 25 pages, using the following standards:

- A "page" is 8.5" x 11", on one side only, with 1"



margins at the top, bottom, and both sides.

- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.

- Use a font that is either 12 point or larger; or, no smaller than 10 pitch (characters per inch).

- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial. An application submitted in any other font (including Times Roman or Arial Narrow) will not be accepted.

The page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support. However, the page limit does apply to all of the application narrative section [Part III].

We will reject your application if you exceed the page limit; or, if you apply other standards and exceed the equivalent of the page limit.

### 3. Submission Dates and Times:

Applications Available: [INSERT DATE OF PUBLICATION IN THE

FEDERAL REGISTER] .

Deadline for Transmittal of Pre-Applications: [INSERT DATE  
11 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER] .

Deadline for Transmittal of Application: [INSERT 41 DAYS  
AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER] .

Applications for grants under this competition must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to Section IV. 6. Other Submission Requirements in this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under For Further Information Contact in Section VII in this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

4. Intergovernmental Review: This program is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

5. Funding Restrictions: Funds can only be used to defray the expenses (including lost revenue, reimbursement for expenses already incurred, and for construction) incurred by institutions of higher education that were forced to close, relocate, or whose operations were impaired as a result of damage directly caused by such hurricanes, floods, and other natural disasters occurring during 2008, and to enable such institutions to provide grants to students who attend such institutions for academic years beginning on or after July 1, 2008.

6. Other Submission Requirements: Applications for grants under this program must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. Electronic Submission of Applications.

Applications for grants under the Higher Education Disaster Relief, CFDA Number 84.938R, must be submitted electronically using the Governmentwide Grants.gov Apply site at <http://www.Grants.gov> Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your

application. You may not e-mail an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement and submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under Exception to Electronic Submission Requirement.

You may access the electronic grant application for Higher Education Disaster Relief at <http://www.Grants.gov>. You must search for the downloadable application package for this program by the CFDA Number. Do not include the CFDA Number's alpha suffix in your search (e.g., search for 84.938, not 84.938R).

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and

submitted and must be date and time stamped by the Grants.gov system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received--that is, date and time stamped by the Grants.gov system--after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30:00 p.m., Washington, DC time, on the application deadline date.

- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.

- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this competition to ensure that you submit your application in a timely manner to the Grants.gov system. You can also

find the Education Submission Procedures pertaining to Grants.gov at <http://eGrants.ed.gov/help/GrantsgovSubmissionProcedures.pdf>

- To submit your application via Grants.gov, you must complete all steps in the Grants.gov registration process (see [http://www.grants.gov/applicants/get\\_registered.jsp](http://www.grants.gov/applicants/get_registered.jsp)). These steps include (1) registering your organization, a multi-part process that includes registration with the Central Contractor Registry (CCR); (2) registering yourself as an Authorized Organization Representative (AOR); and (3) getting authorized as an AOR by your organization. Details on these steps are outlined in the Grants.gov 3-Step Registration Guide (see <http://www.grants.gov/section910/Grants.govRegistrationBrochure.pdf>). You also must provide on your application the same D-U-N-S Number used with this registration. Please note that the registration process may take five or more business days to complete, and you must have completed all registration steps to allow you to submit successfully an application via Grants.gov. In addition, you will need to update your CCR registration on an annual basis. This may take three or more business days to complete.

- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.

- You must submit all documents electronically, including all information you typically provide on the following forms: Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information--Non-Construction Programs (ED 524), and all necessary assurances and certifications. Please note that two of these forms--the SF 424 and the Department of Education Supplemental Information for SF 424--have replaced the ED 424 (Application for Federal Education Assistance).

- You must attach any narrative sections of your application as files in a .DOC (document), .RTF (rich text), or .PDF (Portable Document) format. If you upload a file type other than the three file types specified in this paragraph or submit a password-protected file, we will not review that material.

- Your electronic application must comply with any page-limit requirements described in this notice.

- After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by e-mail. This second notification indicates that the Department has received your application and has assigned your application a PR/Award Number (an ED-specified identifying number unique to your application).

- We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1-800-518-4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You



also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under For Further Information Contact in Section VII in this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time; or, if the technical problem you experienced is unrelated to the Grants.gov system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission

requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because--

- You do not have access to the Internet; or
- You do not have the capacity to upload large documents to the Grants.gov system;

and

- No later than two weeks before the application deadline date (14 calendar days; or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevents you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Cassandra Courtney, Fund for the Improvement of Postsecondary Education, U.S. Department of Education, 1990 K Street,

NW., Room 6166, Washington, DC 20006-8544. Telephone: (202) 502-7506.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. Submission of Paper Applications by Mail.

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the applicable following address:

U.S. Department of Education  
Application Control Center  
Attention: (CFDA Number 84.938R)  
LBJ Basement Level 1  
400 Maryland Avenue, SW.  
Washington, DC 20202-4260

You must show proof of mailing consisting of one of the following:

- (1) A legibly dated U.S. Postal Service postmark.
- (2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.
- (3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. Submission of Paper Applications by Hand Delivery.

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address:

U.S. Department of Education  
Application Control Center  
Attention: (CFDA Number 84.938R)  
550 12th Street, SW.

Room 7041, Potomac Center Plaza  
Washington, DC 20202-4260

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department--

(1) You must indicate on the envelope and--if not provided by the Department--in Item 11 of the SF 424, the CFDA Number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245-6288.

#### V. Application Review Information

Selection Criteria: The Secretary will award funds to all eligible institutions that submit applications under this program and will allocate funds among the eligible institutions using the following criteria: expenses that

would have been covered by revenues lost by the IHE as a direct result of the major disaster; expenses incurred by the IHE in remedying the effects of the disaster; the costs of construction associated with physical damage caused by the disaster; any amount of any insurance settlement or other reimbursement received including from a Federal or other relief agency; and the number of Pell Grant recipients enrolled at the IHE at any time during the 2006-07 and 2007-08 award years.

#### VI. Award Administration Information

1. Award Notices: If your application is successful, we notify your U.S. Representative and U.S. Senators, and send you a Grant Award Notification (GAN). We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. Administrative and National Policy Requirements: We identify administrative and national policy requirements in the application package and reference these and other requirements in the Applicable Regulations section of this notice.

We reference the regulations outlining the terms and conditions of an award in the Applicable Regulations section of this notice and include these and other specific

conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. Reporting: At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to

<http://www.ed.gov/fund/grant/apply/appforms/appforms.html>

4. Performance Measures:

VII. Agency Contact

For Further Information Contact: Cassandra Courtney,  
Fund for the Improvement of Postsecondary Education, U.S.  
Department of Education, 1990 K Street, NW., Room  
Washington, DC 20006-8544. Telephone: (202) 502-7506 or by  
e-mail: [HEDR@ed.gov](mailto:HEDR@ed.gov) or [Cassandra.Courtney@ed.gov](mailto:Cassandra.Courtney@ed.gov).

If you use a telecommunications device for the deaf (TDD), call the Federal Relay Service (FRS), toll free, at 1-800-877-8339.

#### VIII. Other Information

Alternative Format: Individuals with disabilities can obtain this document and a copy of the application package in an alternative format (e.g. Braille, large print, audiotape, or computer diskette) on request to the program contact person listed under For Further Information Contact in Section VII in this notice.

Electronic Access to This Document: You can view this document, as well as all other documents of this Department published in the Federal Register, in text or Adobe Portable Document Format (PDF), on the Internet at the following site: [www.ed.gov/news/fedregister](http://www.ed.gov/news/fedregister)

To use PDF, you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1-888-293-6498; or in the Washington, DC, area at (20) 512-1530.



Note: The official version of this document is the document published in the Federal Register. Free Internet access to the official edition of the Federal Register and the Code of Federal Regulations is available on GPO Access at: [www.gpoaccess.gov/nara/index.html](http://www.gpoaccess.gov/nara/index.html)

Dated:

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Cheryl A. Oldham,  
Acting Assistant Secretary  
for Postsecondary Education.